ARGUMENTS

Reconsideration of the application is requested.

It is appreciatively noted that the prior rejections and objections have been withdrawn. Specifically, the claims are no longer rejected as being anticipated by Lee nor as being obvious over Haag et al. and Parker.

The claims have now been rejected as being obvious over Kaeufl et al. (US 2003/0001448 A1, hereinafter "Kaeufl") in view of Parker (US 5,896,079) and Haag et al. (US 6,232,684, hereinafter "Haag") under 35 U.S.C. § 103. We respectfully traverse.

The primary teaching Kaeufl indeed represents the prior art described in the introductory text of the specification. As noted there, EMC interference in the prior art is conventionally suppressed:

> by means of an attenuation element, which generally comprises a number of electronic components, for example two Y-capacitors . . . . requires significant additional integration space, which is not available in the case of many applications or significantly restricts the design.

Specification, page 1, lines 19-28.

Kaeufl provides "an anti-interference unit with interference suppression components 23 (for example capacitors)." Page 2, para. [0015] (Fig. 2). The purpose of the interference suppression corresponds to that of the instant application, namely, the suppression of noise signals from motor commutation and brush arcing.

Turning now to the modification of Kaeufl with Parker, it would appear that Kaeufl was not even aware of the problem pointed out by applicants. The "space-savings" issue apparently does not come into play in Kaeufl. We do not see any suggestion as to why a person of ordinary skill in the art would have modified the primary teaching as suggested by the Examiner.

We are mindful, of course, of the different treatment of such issues following the decision in KSR Int'l Co. v. Teleflex Inc. and point to the conventional treatment under Graham v. John Deere Co. and progeny. While the TSM test may not be applicable here, the modification is also not obvious under the Graham test. The modification, it is respectfully pointed out, is arrived only in a hindsight construction. It is indeed applicants' disclosure that first points to the problem associated with the prior art and then provides for a solution to the problem. The modification – replacing the capacitor-type attenuation element of Kaeufl with the common mode ferrite bead of Parker – is not fairly taught in the prior art.

The further reference Haag was cited with regard to the placement of the entire combination, including the PCB with the motor control circuit and the ferrite element, in a common housing. We have pointed out before that the reference Haag does not indeed have a motor control circuit inside the housing. Haag's housing is configured to prevent EMI radiation to escape and interfere with other components in the vehicle. Electromagnetic interference signals through conduction are prevented with a filter that is connected in the supply circuit for the motor. The filter consist of two inductors (ferrite chips 78, 80) in the positive lead and a capacitor 82 that connects to ground.

The filter components 78, 80, 82 are mounted on a printed circuit board 84 which is inserted in the housing in close vicinity of the motor. The printed circuit board 84 does not carry a control circuit for controlling the d.c. motor. It would appear that the leads 48 ("decklid ajar") and 50 ("interior decklid") that carry indicator signals from the assembly to the vehicle control system suggest that the control circuit for controlling the motor is located somewhere else in the motor vehicle. That is, Haag does not suggest placing the inductors on a circuit board together with a control circuit for controlling the motor and place that assembly inside a motor housing.

It is respectfully urged that the prior art references of record do not fairly suggest the combination of claim 11 of the combination of claim 23. These claims and the dependent claims 12-22 are therefore patentable over the art of record. The allowance of claims 11-23 is solicited.

Respectfully submitted,

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